

Sponsor: Mayor Dale Rife
First Reading: ___11/7/11___
Second Reading: ___12/5/11___

ORDINANCE #11-11

AN ORDINANCE PROHIBITING THE DISCHARGE OF FIREARMS, FIREWORKS, AIR OR GAS OPERATED GUNS, SPRING-GUNS, SLINGSHOTS, AND/OR BOWS AND ARROWS WITHIN THE LIMITS OF THE TOWN OF WYOMING, PROHIBITING THE SALE, TRANSFER, AND DISTRIBUTION OF FIREWORKS, AND PROVIDING FOR EXCEPTIONS AND PENALTIES

BE IT HEREBY ENACTED by the Town Council of the Town of Wyoming, a majority thereof concurring in council duly met, that Ordinance #11-11 "An Ordinance Prohibiting the Discharge of Firearms, Fireworks, Air or Gas Operated Guns, Spring-Guns, Slingshots, and/or Bows and Arrows within the Limits of the Town of Wyoming, Prohibiting the Sale, Transfer, and Distribution of Fireworks, and Providing Exceptions and Penalties" be and hereby is enacted, as follows to wit:

Section 1. Definitions:

"Firearms" shall mean any pistol, revolver, automatic pistol, rifle, shotgun, or other weapon the propellant force of which is gunpowder.

"Fireworks" shall include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and include firecrackers, torpedoes, skyrockets, Roman candies, Daygo bombs, and other fireworks of like construction and/or containing any explosive or flammable compound; provided however that toy pistol paper or plastic caps shall not be considered "fireworks."

"BB Gun, Air-Gun, and Gas-Operated Gun" shall mean any pistol or rifle which, through force of compressed air or gas is designed to and capable of discharging a "bb", pellet, or other projectile.

"Spring-gun" shall mean any weapon designed and capable of discharging any bullet, pellet, bb, or other projectile by force of a spring.

"Bow and Arrows" shall include cross-bows, but shall not include any toy bow and arrow set or crossbow utilizing arrows tipped with soft rubber tips, suction cups, or similar materials and bows or crossbows incapable of launching an arrow in excess of twenty-five feet.

"Slingshot" shall mean any device utilizing any rope, cord or elastic material designed for and capable of launching any stone, rock, ball-bearing, marble, or similar object in excess of twenty-five feet.

Section 2. Discharging Firearms, Fireworks, BB guns, Air-guns, Gas-Operated Guns, Spring Guns, Bow and Arrows, and Slingshots Prohibited.

(a) Except as provided in section 3 of this ordinance, it shall be unlawful for any person to discharge a firearm within the town limits of the Town of Wyoming.

(b) Except as provided in section 3 of this ordinance, it shall be unlawful for any person to discharge any bb gun, air-gun, gas-operated gun, spring-gun, bow and arrow, or sling shot within the Town limits of the Town of Wyoming,

(c) It shall be unlawful for any person to discharge any fireworks within the Town limits of the Town of Wyoming.

Section 3. Exceptions

(a) Nothing in this ordinance shall prohibit the discharge of any firearm by a duly appointed federal, state, or local law enforcement officer in the line of duty.

(b) Nothing in this ordinance shall prohibit the discharge of any firearm, air-gun, compressed-gas gun, spring-gun or bow and arrow by persons duly licensed to hunt by the State of Delaware and with the permission of the owner of the property upon which the hunting is conducted, provided that the property owner shall have obtained an annual written license from the Chief of Police certifying that the Chief of Police is satisfied, after inspection, that safe hunting on said lands will not endanger persons or property. Any such decision by the Chief of Police shall be reviewable by the Town Council at any time. Nothing in this subsection shall relieve any hunter or property owner of lands where hunting is conducted from exercising all due care for the safety of persons and the protection of property.

(c) Nothing in this ordinance shall prohibit the discharge of any firearm, bb-gun, air-gun, compressed gas gun, spring gun, sling shot or bow and arrow at any shooting gallery or shooting range which has been approved at least annually, in writing, by the Chief of Police, which approval shall certify that the Chief is satisfied, after inspection, that the proper discharge of those instruments specified in the written approval upon the property so-approved will not endanger persons or property, and that such facility is designed and constructed to prevent any projectile from crossing any space beyond the limits of the gallery or range. Any such decision by the Chief of Police shall be reviewable by the Town Council at any time. Nothing in this subsection shall relieve any person owning, operating, or utilizing any such shooting gallery or shooting range from exercising all due care for the safety of persons and the protection of property.

(d) Anything in this ordinance to the contrary notwithstanding, the defense of justification, as defined in 11 Del. C. Sections 462 through 471 may provide a defense to any violation of this ordinance, and such statutory defense is hereby incorporated herein by specific reference.

Section 4. Sale, Transfer, or Distribution of Fireworks Prohibited

No person, partnership, firm, corporation or other entity shall sell, give, transfer ownership or possession of, or distribute any fireworks within the Town limits of the Town of Wyoming.

Section 5. Penalties

(a) Any person convicted by a court of competent jurisdiction of violating Section 2 (a) of this ordinance shall pay a fine of not less than \$50.00 for each offense, plus court costs and Victims Compensation Fund Assessment; provided that whenever the firearm discharged was a pistol or revolver exceeding 22-caliber or shotgun loaded with any load other than birdshot, the minimum fine shall be not less than one hundred dollars (\$100.00) for each offense.

(b) Any person convicted by a court of competent jurisdiction of violating Section 2 (b) of this ordinance shall pay a fine of not less than \$25.00 for each offense, plus court costs and Victims Compensation Fund Assessment.

(c) Any person convicted by a court of competent jurisdiction of violating Section 2 (c) of this ordinance shall pay a fine of not less than \$25.00 for each offense.

(d) Any person convicted by a court of competent jurisdiction of violating Section 4 of this ordinance shall pay a fine of not less than \$25.00 for each offense.

Synopsis

This ordinance defines firearms, fireworks, and other related weapons and prohibits their use within the limits of the Town of Wyoming. Exceptions to this ordinance include use by law enforcement officers while in the line of duty, use by duly licensed individuals for hunting, and use at approved shooting galleries and ranges. Sale of fireworks is prohibited in the Town of Wyoming. Penalties for violations of this ordinance are outlined in this ordinance.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Wyoming at a duly-noticed and convened meeting at which a quorum was present on December 5, 2011.

Attest: Parvula B. Haddock So Certifies: Frankie Dale Ruff
Town Clerk Mayor

This shall certify that a copy of this Ordinance was posted at the Town Hall on
12/7, 2011.

12/7/11 So Certifies: Parvula B. Haddock
Date